

REMARKS

I. Introduction

Claims 1-16 are pending in the application. In the final Office Action dated February 20, 2007, the Examiner rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable U.S. Pat. No. 6,512,985 ("Whitefield"). Finally, claims 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitefield in view of U.S. Pat. No. 6,606,574 ("Takanabe"). In this Amendment, claims 1 and 10-16 have been amended. Applicants respectfully request reconsideration of the claims.

II. The Proposed Combinations Do Not Render the Claims Unpatentable

Claims 1-12 were rejected as being unpatentable over Whitefield and claims 13-16 were rejected as being unpatentable over Whitefield in view of Takanabe. Each of the amended independent claims recite performing an analysis *by means of an evaluation unit* using values of at least one *process parameter of a manufacturing process* of a plurality of physical objects. Whitefield fails to teach at least this element.

In the Office Action, the Examiner asserted that Col. 1, lines 27-30 of Whitefield teaches performing an analysis using values of at least one process parameter of a manufacturing process of a plurality of physical objects. Applicants respectfully disagree. The passage of Whitefield (Col. 1, lines 21-30) cited by the Examiner states,

In the specific example of wafer processing, as introduced above, such testing is technically performed according to a method as described below. An operator or technician takes readings *on the wafer* either by direct inspection, such as under a microscope, or by processing the wafer through a specialized test instrument. Regardless of the specific method used, the operator gathers property information in regard to one or more process characteristics that are *determinable by inspection of the wafer* by one or more of the methods mentioned above. (Emphasis added.)

Similarly, Col. 6, lines 13-16 states that in the preferred embodiment of Whitefield, the test instrument has the capability to perform at least an initial selection of the *property information* and present the selection to the operator for input to the system through an open input means. Thus, in Whitefield, an operator inspects a *process unit*, like a wafer, rather than *a process parameter of a manufacturing process* as recited in the independent claims.

Further, in Whitefield, an operator inspects a process unit rather than an evaluation unit analyzing a process parameter of a manufacturing process. The Examiner has admitted that Whitefield fails to teach performing a process without a human operator.


Because Whitefield fails to teach both performing an analysis of “**at least one process parameter of a manufacturing process**” and performing such analysis “**by means of an evaluation unit**,” Whitefield necessarily does render independent claims 1 and 10-12, or any claim that depends on claim 1, unpatentable.

Further, because the deficiencies of Whitefield are not addressed by Takanabe, the proposed combination of Whitefield and Takanabe necessarily does not render independent claims 13-16 unpatentable.

III. Conclusion

In view of the foregoing amendments, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



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